

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAUL SABINO,

Plaintiff,

21-cv-5731 (JGK)

- against -

ORDER

PORt AUTHORITY POLICE DEPARTMENT,
ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The Court is in receipt of the pro se plaintiff's March 30, 2023 letter, which alleges that the Superintendent of the Elmira Correctional Facility, located in Chemung County in the Western District of New York, has violated (1) the plaintiff's constitutional right of access to a law library, see ECF No. 147 (citing Lewis v. Casey, 518 U.S. 343 (1996)), and (2) the plaintiff's constitutional right to adequate medical care, see id. (citing Farmer v. Brennan, 511 U.S. 825 (1994)). The plaintiff seeks an order compelling the Elmira Superintendent to (1) provide the plaintiff with access to the facility's law library, and (2) ensure that the plaintiff receives adequate medical treatment. See id.

The claims raised in the plaintiff's March 30, 2023 letter are unrelated to the allegations against the defendants in this action and instead implicate conduct and parties outside of this District. It is clear that the letter asserts new constitutional claims arising out of the plaintiff's current incarceration at the Elmira Correctional Facility, which is located in the Western District of

New York and not in this District, and that the claims have been asserted against the Elmira Superintendent, who is not a party to this case and who is also located outside of this District. Accordingly, the plaintiff's request for relief from the alleged violations of his rights at the Elmira Correctional Facility is not properly a part of this case in the Southern District of New York, but instead constitutes a new civil action that must be brought in the Western District of New York, where the Elmira Correctional Facility is located.

The plaintiff's letter request for an order compelling the Elmira Superintendent to remedy certain alleged violations (ECF No. 147) is therefore **denied without prejudice** to the plaintiff's refiling of his claims in the Western District of New York, where the Elmira Correctional Facility is located. The Clerk is respectfully directed to close ECF No. 147, to mail a copy of this Order to the pro se plaintiff, and to note such mailing on the docket. The Clerk is further directed to mail a copy of the plaintiff's March 30, 2023 letter, ECF No. 147, to the pro se plaintiff, so that he may refer to its contents in the event he wishes to refile his claims in the Western District of New York, and to note such mailing on the docket.

SO ORDERED.

Dated: New York, New York
 April 12, 2023



John G. Koeltl
United States District Judge